

**WILLIAMSBURG PLANNING COMMISSION  
MINUTES  
Wednesday, May 18, 2005**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, May 18, 2005, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 North Boundary Street.

**CALL TO ORDER and ATTENDANCE**

Chairman Young called the meeting to order. Present in addition to Mr. Young were Commissioners Pons, Hertzler and Rose. Commissioner Smith arrived late. Commissioners Friend and McBeth were absent. Also present were Planning Director Nester, City Attorney Phillips and Secretary Scott.

**MINUTES**

Mr. Hertzler moved that the minutes of the April 20 meeting and the April 25 worksession be approved as submitted, and the May 9 worksession be approved as corrected. Mr. Rose seconded the motion which carried by roll call vote of 4-0.

Recorded vote on the motion:

Aye:	Hertzler, Pons, Young, Rose
No:	None
Absent:	Friend, McBeth and Smith

**CONSENT AGENDA**

Mr. Pons moved that the case on the consent agenda, **SPR #05-007: Yankee Candle Company, 2200, 2500 and 2800 Richmond Road – Modify the location of the westernmost Richmond Road entrance adjacent to Parcel 3. Revise parking and entrance to Parcel 3 for better pedestrian and traffic flow**, be approved. The property is zoned Tourist Business District B-2. Mr. Hertzler seconded the motion which carried by a vote of 4-0.

Recorded vote on the motion:

Aye:	Hertzler, Pons, Young, Rose
No:	None
Absent:	Friend, McBeth and Smith

## **PUBLIC HEARINGS**

**PCR #05-012: Request of Walsingham Academy, 1100 Jamestown Road, for a special use permit to construct a 119 space parking lot between the Upper School and Jamestown Road, and to improve the vehicle staging area beside the Lower School. This property is zoned RS-1 Single Family Dwelling District. The Commission recommended approval with contingencies by a vote of 5-0.**

[Commissioner Smith arrived.]

Mr. Nester reviewed the memorandum dated May 9, 2005 in which it is noted that there are presently 158 off-street parking spaces on the Walsingham lot, and the new lot will bring the total to 277 spaces, an increase of 80%. This section of Jamestown Road is designated as a greenbelt which requires a 50-foot landscape area along the property frontage, and this new lot will be set back 106 feet, doubling the requirement. Mr. Nester noted that the Site Plan Review Committee had been particularly concerned with the buffering of the site from Jamestown Road and from the Holly Hills subdivision, but upon the Committee's review on April 20, felt that the proposed buffers, landscaping and berm are acceptable.

Chairman Young stated that although his child was a former student at the Academy and he served on the facilities committee, the committee did not review this case. He believes there is no conflict of interest.

Chairman Young opened the public hearing.

**Jeff Barra** representing Walsingham Academy, Arch Marston with AES Consulting Engineers, and Sister Mary Jeanne Oesterle, president of Walsingham Academy were present to respond to any questions the audience or Commission might have. Mr. Barra stated that the applicant agrees with the suggested contingencies placed on an approval.

**Mr. Trolan**, 208 Jones Mill Lane, expressed his appreciation to Walsingham Academy for their accommodating response to adjacent property owner's concerns. He asked about the plans for the gravel road along the fence line. Mr. Barra responded that the gravel road had been a fire access lane, but will be replaced with top soil and will probably be a wooded area. He added that the curb cut will also be removed.

There being no additional comment the public hearing was closed.

Commissioner Smith stated that although she currently has a child attending Walsingham Academy, she believes there is no conflict of interest. City Attorney Phillips agreed.

Mr. Hertzler moved that the Planning Commission recommend to City Council that the Special Use Permit for a 119-space parking lot and associated improvements for Walsingham Academy be approved, in accordance with the site plan titled "Walsingham Academy Upper and Lower School Parking Lot Addition," dated November 15, 2001, revised May 6, 2005, and contingent upon the removal of all dead trees from the buffer area adjacent to Jamestown Road along the entire frontage of the property.

Mr. Hertzler also moved that the Planning Commission approve the final site plan for the 119-space parking lot and associated improvements for Walsingham Academy, contingent upon the following:

- a) Approval of the special use permit by City Council.
- b) Resolution of minor engineering details to the satisfaction of City staff.
- c) Obtaining the following prior to the issuance of any land disturbing or building permits for the project:
  - i. A VPDES construction permit.
  - ii. A right-of-way permit and bond for the work to be performed on the City's right-of-way.
  - iii. A BMP Maintenance Agreement.
  - iv. Purchase of regional reserve open space credits to meet the City's water quality requirements.

Mr. Pons seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye:	Hertzler, Pons, Young, Rose, Smith
No:	None
Absent:	Friend, McBeth

**PCR #05-014: Request of Williamsburg United Methodist Church, 514 Jamestown Road, for a special use permit for a 27,795 sq. ft. expansion. The property is zoned RS-2 Single Family Dwelling District, and is identified as Tax Map No. 494-0A-00-012 and 495-0A-00-001,2,3. The expansion will provide additional room for Sunday School and community services, and will upgrade office and restroom facilities. The existing buildings at 500 Jamestown Road and 110 Cary Street will be demolished. The Commission recommended approval by a vote of 5-0.**

Mr. Nester reviewed the memorandum dated May 11, 2005 and noted the existing sanctuary will not be enlarged. Parking for the Church is based on the main place of assembly, which requires 65 spaces for the existing 650-seat sanctuary. (one space for each 10 seats). With the elimination of some spaces and addition of others, the new total will be 162 parking spaces, exceeding the Zoning Ordinance parking requirement of 65 spaces. Mr. Nester concluded his comments by stating that the proposal

conforms to the 1998 Comprehensive Plan where this section of Jamestown Road is designated as an "Urban Entrance Corridor."

Chairman Young opened the public hearing.

**Edward Curran**, 109 Indian Springs Road, stated that he represents three or four families who live across the ravine, close to the Church's HVAC system, and are concerned about the noise from the machinery. He also said the residents along Cary Street have expressed concerns. Mr. Curran asked that the Commission add a noise control contingency to their approval. He said they have not received total satisfaction from the Church regarding the noise produced from the current equipment. Although they have met with members of the Church building committee, they have been told there is no ordinance against the decibel level of noise produced. Specialists have told the neighbors the problem can be solved and suggested enclosing the equipment with sound panels.

**Ed Martin**, 107 Indian Springs Road, said that the existing HVAC units are 55 yards from their back deck and the noise is at an unacceptable level. He added that they hear the units at night even with their windows closed and are very concerned with the additional noise that will be created with the new units.

**Ken Hook**, chairman of the Church building committee, stated that Mr. Nester is in receipt of his letter in which the history of the issue of HVAC equipment noise and the Church's attempts to alleviate the neighbors' concerns is detailed. NASA sound engineers were hired and found the noise level readings at the homes in question to be within a range of 58-62 decibels; normal conversation has a db level of around 60. The church then hired a firm to make changes that resulted in reducing the level even further, and also installed sound deadening material to the inside of the existing wooden fence surrounding the units.

Mr. Hook concluded his comments by saying that the new addition will be heated and cooled with four heat pumps which will be behind an enclosure on the Cary Street side of the Church and should not be heard in the Indian Springs area. He said the building committee will pay particular attention to acquiring energy efficient units with low noise levels, and they will work closely with City staff in the location and screening of the units.

Commission/Mr. Hook's comments included:

- Mr. Hook assured the Commission that the existing units will not be taxed more with the addition.
- Possibility of looking into sound walls and/or replacement units while the new construction is going on? Mr. Hook responded that when the noise problem was first identified these options were investigated and found to be cost prohibitive. The Church has baffled the units and installed sound-bending materials.

- Traffic impact will be minimal if any since there is no addition in sanctuary capacity. The Jamestown Road/Cary Street intersection should function much as it currently does, there will be parking elsewhere and there will be one less driveway. The Lutheran Church, also on Jamestown Road, employs the use of traffic cones and pedestrian signs to allow its members to cross Jamestown and park in college facilities. There are no additional crosswalks planned.

Adding to his previous comments, **Ed Curran** stated that no one has been on his deck to check noise levels, and that the environmental engineers at Colonial Williamsburg Foundation said the Church employed the wrong methods to correct the problem because the correction only reflects the sounds back to the homes in need of relief. Mr. Curran said they have had visitors who have compared the noise to a 747 jet plane. He added that they are not able to use their deck due to the noise.

**Ed Martin**, also adding to his previous comments, stated that no one has been to his deck to check the noise level since the changes have been made at the Church. He said he has measured the decibel levels overall and there has been no reduction.

**Phil Richardson**, Church building committee member, said the existing units are 40-50 tons and the new equipment will be heat pumps placed on the ground. No sound will carry to the Indian Springs area. He added that the Church is glad to listen to other suggestions.

There being no additional comment the public hearing was closed.

Mr. Hertzler asked if Mr. Curran's suggestions for improvements of noise control for the existing HVAC units is within the scope of the Planning Commission, and City Attorney Phillips said it is beyond the Commission's purview.

Mr. Pons moved that the Planning Commission recommend to City Council that a Special Use Permit be approved to allow the proposed addition to the Williamsburg United Methodist Church in accordance with the preliminary site plan titled "Exhibit for Special Use Permit for Expansion of Jamestown Rd. Williamsburg United Methodist Church," dated February 2005, last revised March 8, 2005.

Mr. Hertzler seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye:	Hertzler, Pons, Young, Rose, Smith
No:	None
Absent:	Friend, McBeth

Mrs. Smith expressed her sympathy to the Indian Springs residents and said she hopes the noise control issue can be resolved.

Chairman Young noted the comments from the Church building committee members that they are willing to look at options available to rectify the situation.

## **OPEN FORUM**

Chairman Young opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment the Open Forum portion of the meeting was closed.

## **SITE PLANS AND SUBDIVISIONS**

**SPR #05-006: Westgate Resorts – Application for driveway connections from Westgate Resorts at 1324 Richmond Road to 1346 Richmond Road (KFC Restaurant) and 1350 Richmond Road (Princess Anne Motel). The properties are zoned General Business District B-3. The Commission approved the site plan and the waiver with a contingency by a vote of 5-0.**

Mr. Nester reviewed the memorandum dated May 12, 2005 noting that the applicant owns the three properties at 1324, 1346 and 1350 Richmond Road and proposes to change the KFC property from restaurant to retail use as part of the proposed site plan. The applicant has also requested a waiver to construct the driveway connection on 30% slopes.

Mr. Young asked if there is anything close to a master plan regarding these properties, and Mr. Nester responded that there is not. Mr. Young said it would be very helpful to have such a plan.

Mr. Hertzler moved that the Planning Commission approve the site plan and the 30% slope waiver contingent upon the KFC Restaurant vacating the building before a land disturbing permit is issued for the driveway connection.

Mr. Rose seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye:	Hertzler, Pons, Young, Rose, Smith
No:	None
Absent:	Friend, McBeth

**SPR #05-007: Yankee Candle Company, 2200, 2500 and 2800 Richmond Road – Modify the location of the westernmost Richmond Road entrance adjacent to Parcel 3. Revise parking and entrance to Parcel 3 for better pedestrian and traffic flow. The property is zoned Tourist**

**Business District B-2. The Commission approved the site plan under the consent agenda.**

## **OLD BUSINESS**

**PCR #05-010: Amendment of the Zoning Ordinance to create the ED-2 Economic Development District. Allowed are uses such as banks, convenience stores, hotels, medical and dental offices and clinics, retail sales establishments, service stations and theaters. Townhouses and multifamily dwellings are allowed at a density of 12 units per net acre, provided that not more than 40 percent of an ED-2 District is devoted exclusively to residential use. Uses such as manufacture or assembly, retail sales establishments exceeding 100,000 sq. ft. of floor area for an individual tenant, and warehouses and distribution centers are allowed with a special use permit. These regulations will apply to the proposed High Street development on Richmond Road and Ironbound Road. The Commission recommended approval by a vote of 4-0-1.**

Mr. Nester stated discussion for PCR #05-010 and PCR #05-011 will be together, but will be voted on separately. He then introduced Dan Aston from Roseland Property Company, developer of the High Street project, who was present today to respond to any questions or comments regarding the two cases. Mr. Aston said it is an honor and a privilege to work with the City of Williamsburg on this project.

Commissioner Rose stated that he has joined the law firm representing the development company, therefore, will recuse himself from both discussion and voting on these two cases.

Commission/Mr. Aston comments included:

- Regarding phases for the project, Mr. Aston said there may be only one phase and that would include all residential, retail and parking. If there does need to be phase two it would include the town homes planned for the other side of Treyburn Drive.
- The project can have a huge impact on the community. How can we know it will have a positive effect on our city? Mr. Aston reiterated his pride in working in the City of Williamsburg and added that his company's priority is excellence. They are world-class architects and produce a high quality product. He distributed a document that depicts recent Roseland Property Company projects and demonstrates their excellence. He emphasized the fact that Prudential Insurance Company is Roseland's financial partner.
- Only portions of the High Street development will be in the Architectural Review area.
- Reduction in the amount of rental property and increase in ownership is included in the Comprehensive Plan update. Mr. Aston assured the Commission that the

apartments Roseland builds are high quality that attract “renters by choice” which include young urban professionals.

- Some Commission members indicated a concern about the construction of a second movie theater. Mr. Aston noted that New Town is two miles away and the High Street location is going to gain a large portion of tourist travel. He said the goal is to get folks out of their cars and into shops. “Entertainment” is the theme of the project and Roseland has already made a multimillion dollar commitment.
- The project will contain great stores and restaurants, but to create the look and quality needed, more residential density is needed. Roseland has done extensive studies and based on those studies 12 units per acre are needed rather than the current 10 units per acre allowed under the ED District.
- Mr. Pons thanked Mr. Aston for his comments and said he feels better about the project. He added that the real success of the project will come from its quality and our ability to make it a true destination. Mr. Aston responded that there have been many plan renderings and currently they are working on site plan number 40. He said that Roseland is committed to doing it right.
- With the addition of the traffic light at this site, there will be eight between the Yankee Candle site and High Street. We need to be sure people feel it’s worth while having to travel through that number of lights. Mr. Nester responded that the lights will be coordinated between Bypass and Ironbound Roads.

Mr. Pons moved that the Planning Commission recommend to City Council that the Zoning Ordinance be amended to create the Economic Development District ED-2.

Mrs. Smith seconded the motion which carried by roll call vote of 4-0-1.

Recorded vote on the motion:

Aye:	Hertzler, Pons, Young, Smith
No:	None
Recuse:	Rose
Absent:	Friend, McBeth

**PCR #05-011: Rezoning of approximately 59 acres at 1424-1446 Richmond Road and 150-176 Ironbound Road (the High Street development) from ED to ED-2. This property is designated as Economic Development and Corridor Commercial land use in the 1998 Comprehensive Plan, which plans for retail, office, service or lodging uses. The Commission recommended approval by a vote of 4-0-1.**

Mr. Pons moved that the Planning Commission recommend to City Council that approximately 59 acres of land at 1424-1446 Richmond Road and 150-176 Ironbound Road (the High Street development) be rezoned from ED Economic Development District to ED-2 Economic Development District.



Mr. Hertzler seconded the motion which carried by roll call vote of 4-0-1.

Recorded vote on the motion:

Aye:	Hertzler, Pons, Young, Smith
No:	None
Recuse:	Rose
Absent:	Friend, McBeth

**NEW BUSINESS -- none**

**OTHER -- none**

**INFORMATION ITEMS**

Planning Department Monthly Report  
Monthly Financial Statement

There being no further business the meeting adjourned at 4:55 p.m.

**PUBLIC HEARINGS SCHEDULED FOR JUNE 15, 2005 -- none**

Jesse Young, Chairman  
Williamsburg Planning Commission